

Office Action Summary

Application N .

09/866,598

Applicant(s)

COSENTINO, DOMENIC

Examiner

Norca L. Torres-Velazquez

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

2. Claims 6 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear from the specification or the claims of what is meant by a “composite weave”. A woven fabric made of fibers of different materials or multicomponent fibers?

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 7-8 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by ECKENROTH (US 3,423,276).

ECKENROTH discloses a decorative covering for dashboard panels and the like formed of a thin sheet of decorative wood paneling material backed by a thin, porous reinforcing sheet, with the back of the latter bearing a pressure-sensitive adhesive to adhere the sheets to a panel. (Abstract) The reference teaches the use of wood material, vinyl imitation wood, metal-flaked plastic sheet as decorative paneling material. (Column 1, lines 32-35 and Column 2, lines 1-5). ECKENROTH further teaches that if the covering 10 is to cover a dashboard, access holes are

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cut through the decorative and reinforcing sheets to allow the covering to closely fit around instrument mountings on the dashboard panel. (Column 2, lines 30-34) The reference further teaches the use of a protective finish over the outer surface of the decorative sheet. (Column 2, lines 7-13).

It is noted that the Examiner interprets the claimed insert plate(s) as the instrument mountings of the ECKENROTH reference. (Refer to Figures 1-4)

5. Claims 1, 4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by ERWIN (US 3,452,861).

ERWIN discloses a weather-resistant decorative sheet material suitable for adhesive affixation at room temperature to an automobile panel to be decorated that comprises a base laminate structure, a normally tacky pressure-sensitive coating firmly adhered to one side and a disposable removable protective liner temporarily adhered over the adhesive coating. The base structure further comprises a flexible opaque background pigmented layer of plasticized polyvinyl chloride resin, a decorative multicolor wood grain pattern of differently pigmented inks printed on the background layer, a flexible transparent protective bodying layer of plasticized polyvinyl chloride resin with an embossed tick pattern that consists of a multiplicity of minute essentially parallel line-like depressions. The base structure further comprises an outer hard non-tacky acrylate resin transparent film adhered over the bodying layer. (Refer to claim 1)

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over ECKENROTH (US 3,423,276) as applied to claims 1-4, 7-8 and 11-15 above, and further in view of MAEDA et al. (US 5,247,018).

However, the reference does not disclose the use of carbon fibers.

MAEDA et al. discloses a thermoplastic resin or elastomer composition that is valuable as a material for an interior automotive trim. The reference teaches that if a layer of this thermoplastic elastomer composition is laminated with a polyurethane layer, a laminate having excellent tensile strength and heat resistance is obtained. (Abstract) The reference further teaches the use of fibrous filler such as a carbon fiber. (Column 6, lines 58-66).

Since both ECKENROTH and MAEDA et al. are from the same field of endeavor, the purpose disclosed by MAEDA et al. would have been recognized in the pertinent art of ECKENROTH.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the trim member and provide it with carbon fiber with the motivation of imparting dimension stability and shape stability to the composition of the plate(s) as disclosed by MAEDA et al. (Column 4, lines 15-17)

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

WUMER (US 5,320,151) - discloses decorative wooden trim panels for attachment to a substrate. The reference discloses that on the objects of their invention is to provide a decorative trim panel having a built up frame, which accepts a center pre-formed panel. (Abstract &

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Column 2, lines 22-24) The WUMER reference provides a frame assembly 33 that holds a preformed panel 36 to fill the space formed by the inside edges of the frame members 32.

(Column 4, lines 52-55) The frame members are formed typically from a desired hard wood.

DRAPER (US 4,560,602)

ERWIN (US 3,452,861)


YOUNGBERG (US 3,916,046)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Norca L. Torres-Velazquez whose telephone number is 703-306-5714. The examiner can normally be reached on Monday-Thursday 8:30-3:00 pm and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

nlt
March 5, 2003


ELIZABETH M. COLE
PRIMARY EXAMINER